

REMARKS

Claims 2, 3, 17, 20, and 21 have been cancelled. Claims 1, 11-14, 18, and 22 have been amended to clarify the subject matter regarded as the invention. Claims 1, 4-16, 18, 19, and 22 are pending.

Claim Rejections – 35 U.S.C. §103(a)

Claims 1, 8-10, 15, 16, 18, 19, and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Giovannoli (U.S. Patent No. 5,758,328) in view of Ausubel (U.S. Patent No. 5,905,975). (Applicants note that on Page 4 of the Office Action, the Examiner states that the rejections are made under 35 U.S.C. §102(b). Applicants hereby assume that this was a typographical error on the part of the Examiner and will respond assuming the Examiner intended to reject the claims under 35 U.S.C. §103(a).) The remaining claims stand rejected under 35 U.S.C. §103(a) based on the combination of Giovannoli and Ausubel as further combined with one or more other references. The rejections are respectfully traversed.

As amended, independent Claims 1, 18, and 22 each recite that “at least one aspect of the spot need of the buyer is a requirement that the requested goods or services be available for immediate delivery.” Support for the amendment may be found, without limitation, on Pages 3-4 of the Specification. Neither Giovannoli nor Ausubel discloses addressing such a “spot need.” Accordingly, independent Claims 1, 18, and 22 are believed to be allowable.

Claims 4-16 and 19 depend, either directly or indirectly, from the aforementioned independent claims and are therefore believed to be allowable for the same reasons described above.

The foregoing amendments are not to be taken as an admission of unpatentability of any of the claims prior to the amendments.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

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